

FILED

MAR 19 2008

OA 91 Criminal Complaint

United States District CourtRICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

NORTHERN

DISTRICT OF

UNITED STATES OF AMERICA
V.

ANTONIO DURAN-PEREZ and DANIEL DURAN-PEREZ

CRIMINAL COMPLAINT

WDBCase Number: 4-08-70155

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state that the following is true and correct to the best of my knowledge and belief. On or about March 14, 2008 in Contra Costa County, in the Northern District of California defendant(s) did,

(Track Statutory Language of Offense)

knowingly and intentionally possess with intent to distribute a Schedule II controlled substance, namely, a mixture and substance containing a detectable amount of methamphetamine, and conspire to possess with intent to distribute and to distribute a Schedule II controlled substance, namely, a mixture and substance containing a detectable amount of methamphetamine,

in violation of Title 21 United States Code, Section(s) 841(a)(1) and 846

I further state that I am a(n) Special Agent for the Federal Bureau of Investigation and that this complaint is based on the following facts:
See attached affidavit.

NO BAIL ARREST WARRANT REQUESTED.

Continued on the attached sheet and made a part hereof:

☒ Yes ☐ No

Approved

As To James C. Mann
Form: AUSANitiana Doss, Special Agent
Name/Signature of Complainant

Sworn to before me and subscribed in my presence,

March 19, 2008
Dateat San Francisco, California

City and State

Honorable Joseph C. Spero
Name & Title of Judicial Officer

U.S. Magistrate Judge

Signature of Judicial Officer

Document No.
116
District Court
Criminal Case Processing

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Nitiana Doss, Special Agent of the Federal Bureau of Investigation, being duly sworn, hereby declare as follows:

I. INTRODUCTION

1. I am a Special Agent of the Federal Bureau of Investigation ("FBI") and have been so employed since August 2005. Currently I am assigned to the Violent Crimes and Major Offender Squad at the Oakland Resident Agency, San Francisco Field Office, where my responsibilities involve the investigation of gangs and narcotics. During my tenure in the FBI, I have been involved in numerous investigations of gang-related narcotics traffickers. Several of the investigations have involved gangs and narcotics traffickers in the area of Pittsburg-Bay Point, California. I have participated in physical and electronic surveillance, undercover narcotics transactions, executed search warrants, and reviewed recorded conversations of drug traffickers. As a federal agent, I am authorized to investigate violations of the laws of the United States and am a law enforcement officer with authority to execute warrants issued under the authority of the United States.

II. PURPOSE OF THIS AFFIDAVIT

2. This affidavit is being submitted in support of a criminal complaint and arrest warrants charging ANTONIO DURAN-PEREZ ("ANTONIO") and DANIEL DURAN-PEREZ ("DANIEL"), with possession with intent to distribute methamphetamine and conspiracy to possess with intent to distribute and to distribute methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1) and 846.

3. Because this affidavit is being submitted for the limited purpose of securing a criminal complaint and arrest warrants, I have not included each and every fact known to me concerning this investigation. I have set forth only those facts that I believe are necessary to establish probable cause to believe that, on or about March 14, 2008, ANTONIO DURAN-PEREZ and DANIEL DURAN-PEREZ knowingly and intentionally possessed with intent to distribute a Schedule II controlled substance, namely, a mixture and substance containing a detectable amount of methamphetamine, in violation of 21 U.S.C. § 841(a)(1), and conspired to

1 possess with intent to distribute and to distribute a Schedule II controlled substance, namely, a
2 mixture and substance containing a detectable amount of methamphetamine, in violation of 21
3 U.S.C. §§ 841(a)(1) and 846. The statements contained in this affidavit are based on information
4 provided to me by law enforcement officers as well as my training, experience, and knowledge of
5 this investigation.

6 **III. PROBABLE CAUSE**

7 **A. Cooperating Source**

8 4. On March 14, 2008, I, and other agents and detectives, participated in the arrest of
9 an individual ("Cooperating Source" or "CS") for distribution of methamphetamine in violation
10 of 21 U.S.C. § 841(a)(1). The CS has been charged with one violation of 21 U.S.C. § 841(a)(1)
11 in a federal criminal complaint. After his/her arrest, the CS began cooperating with the FBI and
12 the Concord Police Department ("CPD"). No promises have been made to the CS regarding a
13 reduced sentence, but he/she has been told that his/her efforts would be detailed to the United
14 States Attorney's Office. The CS has been told that he/she should expect to be charged for
15 additional crimes he/she committed prior to his/her cooperation. The CS is not being paid for
16 his/her cooperation. I believe the CS is cooperating in hopes of receiving a lesser sentence in
17 connection with the pending criminal complaint and narcotics investigation.

18 5. On March 10, 2008, I examined the CS' criminal history. The history includes a
19 1988 felony conviction for the transportation or sale of a controlled substance, and a 2001 felony
20 conviction for manufacturing controlled substances and possession of a controlled substance for
21 sale. The CS has also been arrested for forgery, battery, and narcotics-related offenses.

22 **C. Background Information Provided By The CS**

23 6. From my review of reports and discussions with Special Agent Doug Hunt of the
24 FBI and Detective Shawn Spencer of the CPD, I understand the following:

25 a. Following his/her arrest on or about March 14, 2008, the CS was
26 interviewed by Special Agent Hunt and Detective Spencer of the CPD. The CS told Special
27 Agent Hunt and Detective Spencer that he/she has been purchasing methamphetamine from an
28 individual known to him/her as "CAVALLO" for approximately the last six months. The CS

1 estimated that he/she has purchased methamphetamine from CAVALLO well over 20 times
2 during that time period. The CS stated that he/she has purchased ounce-quantities of
3 methamphetamine and pound-quantities of methamphetamine from CAVALLO. The largest
4 quantity of methamphetamine the CS has purchased from CAVALLO is two pounds. The CS
5 indicated that CAVALLO had very good quality methamphetamine. The CS has paid between
6 \$18,000 and \$18,300 for a pound of methamphetamine from CAVALLO.

7 b. The CS further explained that, in his/her previous dealings with
8 CAVALLO, CAVALLO has delivered the methamphetamine himself or sent others to deliver the
9 methamphetamine. The CS said that, most recently, two Hispanic males delivered the
10 methamphetamine to the CS. On all but one occasion, the methamphetamine was delivered to
11 the CS' residence by the two Hispanic males. The CS stated that the men delivering the
12 methamphetamine drove a white Volkswagen Jetta or a small, white, four-door car with a
13 number on the back and no license plates. Sometimes the men would bring the
14 methamphetamine into the CS' house, and other times the CS would meet the men in the front
15 yard.

16 c. The CS indicated that typically, CAVALLO would front the
17 methamphetamine and the CS would pay for it later. Most recently when he/she called
18 CAVALLO, the CS would ask for "burritos" to indicate methamphetamine. The CS stated that
19 "burritos" was code for pounds of methamphetamine.

20 **D. Arrest Of ANTONIO And DANIEL On March 14, 2008**

21 7. Special Agent Hunt explained to me that on or about March 14, 2008, at
22 approximately 3:30 p.m., the CS placed a call to CAVALLO at the direction and under the
23 supervision of Special Agent Hunt and Detective Spencer. A Hispanic male answered the CS'
24 telephone call. The CS greeted the male and said he/she needed "two burritos." The male
25 responded "two burritos, with beans?" The CS said: "Yes, for sure." The Hispanic male agreed,
26 then said he would see the CS "there" in approximately 15 minutes. The CS told Special Agent
27 Hunt that based on past transactions he/she understood "there" to mean the CS' residence and
28 "two burritos" to be code for two pounds of methamphetamine.

1 8. From my review of police reports and discussions with Special Agent Hunt and
2 Detective Spencer, I understand the following:

3 a. Approximately 35 minutes after the telephone call between the CS and the
4 Hispanic male, Special Agent Hunt observed a white Hyundai Elantra ("Hyundai") approaching
5 the CS' residence. The CS, who was with Special Agent Hunt, identified the Hyundai as the car
6 previously used by the Hispanic males to deliver methamphetamine to the CS' house. The
7 Hyundai was occupied by two Hispanic males. Officers from the CPD executed a traffic stop on
8 the Hyundai; Officer Sansen of the CPD identified ANTONIO as the driver of the Hyundai and
9 DANIEL as the passenger. ANTONIO and DANIEL were detained while a narcotics-certified
10 dog searched the Hyundai. The dog alerted on the glove box-area of Hyundai.

11 b. Officer Jim Nielson of the CPD searched the glove box-area of the
12 Hyundai and recovered two packages of suspected methamphetamine in a compartment
13 concealed between the firewall and the glove box. The packages weighed approximately 446.8
14 grams and 454.1 grams respectively. Detective Spencer conducted a NIK field test on the
15 packages of suspected methamphetamine; the substance contained in the packages tested positive
16 for methamphetamine.

17 c. Officer Sansen of the CPD searched DANIEL incident to his arrest and
18 found \$1,665.00 on his person in all dominations from \$1 bills to \$100 bills.

19 9. On March 17, 2008, I reviewed DMV records regarding the Hyundai. The DMV
20 records indicated that the Hyundai was registered to ANTONIO DURAN at 313 West 13th Street,
21 Pittsburg, California.

22 10. Special Agent Hunt told me that, on or about March 14, 2008, he participated in
23 interviews of ANTONIO and DANIEL following their arrests. During the interview, ANTONIO
24 stated that he did not know about the methamphetamine contained in the Hyundai. He
25 speculated that it must have been in the Hyundai when he purchased it. He stated that he was
26 going to Walmart when he was arrested, and he was in the neighborhood of the CS' house
27 because he had made some wrong turns. During his interview, DANIEL admitted that he was
28 bringing a pound of methamphetamine to the CS when he was arrested. He intended to provide

1 two pounds of methamphetamine to the CS to allow the CS to select the pound that he/she
2 wanted. DANIEL stated that ANTONIO knew about the methamphetamine and the delivery to
3 the CS. DANIEL also admitted that he was the Hispanic male who had answered the CS'
4 telephone call at or about 3:30 p.m. on or about March 14, 2008 when the CS called to order
5 methamphetamine.

6 **IV. CONCLUSION**

7 11. For the reasons stated above, I believe there is probable cause to believe that, on
8 or about March 14, 2008, ANTONIO DURAN-PEREZ and DANIEL DURAN-PEREZ
9 knowingly and intentionally possessed with intent to distribute a Schedule II controlled
10 substance, namely, a mixture and substance containing a detectable amount of
11 methamphetamine, in violation of 21 U.S.C. § 841(a)(1), and conspired to possess with intent to
12 distribute and to distribute a Schedule II controlled substance, namely, a mixture and substance
13 containing a detectable amount of methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1) and
14 846. I respectfully request that the Court issue the requested criminal complaint and arrest
15 warrants.

16
17
18 

19 Nitiana Doss
Special Agent, Federal Bureau of Investigation

20 Sworn to before me this
21 19th day of March 2008.

22
23 
24 HONORABLE JOSEPH C. SPERO
UNITED STATES MAGISTRATE JUDGE

AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☒ COMPLAINT ☐ INFORMATION ☐ INDICTMENT
☐ SUPERSEDING
OFFENSE CHARGED
 VIOLATIONS: 21 U.S.C. Section 841(a)(1),
 Possession With Intent To Distribute Meth; 21
 U.S.C. Sections 841(a)(1) and 846, Conspiracy
 To Possess With Intent To Distribute And To
 Distribute Meth.

☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony
PENALTY:

See attachment.

PROCEEDING
 Name of Complainant Agency, or Person (& Title, if any)
 Federal Bureau of Investigation

☐ person is awaiting trial in another Federal or State
 Court, give name of court

☐ this person/proceeding is transferred from another
 district per (circle one) FRCrP 20, 21 or 40. Show
 District

☐ this is a reprosecution of
 charges previously dismissed
 which were dismissed on
 motion of:

☐ U.S. Att'y ☐ Defense

☐ this prosecution relates to a
 pending case involving this same
 defendant

☐ prior proceedings or appearance(s)
 before U.S. Magistrate regarding
 this defendant were recorded under
SHOW
DOCKET NO.MAGISTRATE
CASE NO.
 Name and Office of Person
 Furnishing Information on
 THIS FORM

JOSEPH P. RUSSONIELLO

☒ U.S. Att'y ☐ Other U.S. Agency

 Name of Asst. U.S. Att'y
 (if assigned)

James C. Mann, AUSA

 Name of District Court, and/or Judge/Magistrate Location
 NORTHERN DISTRICT OF CALIFORNIA
DEFENDANT - U.S.

ANTONIO DURAN-PEREZ AND DANIEL DURAN-PEREZ

DISTRICT COURT NUMBER

DEFENDANT**IS NOT IN CUSTODY**

- 1) ☐ Has not been arrested, pending outcome this proceeding.
 If not detained give date any prior summons
 was served on above charges
- 2) ☐ Is a Fugitive
- 3) ☐ Is on Bail or Release from (show District)

IS IN CUSTODY

- 4) ☐ On this charge
- 5) ☐ On another conviction
- 6) ☒ Awaiting trial on other charges } ☐ Fed'l ☒ State

If answer to (6) is "Yes", show name of institution

Santa Rita County Jail

 Has detainer
 been filed? ☐ Yes ☐ No

 If "Yes"
 give date
 filed

**DATE OF
 ARREST**

Month/Day/Year

Or... if Arresting Agency & Warrant were not

Month/Day/Year

**DATE TRANSFERRED
 TO U.S. CUSTODY**
☐ This report amends AO 257 previously submitted
ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**
☐ SUMMONS ☐ NO PROCESS* ☒ WARRANT Bail Amount: NO BAIL.

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

 *Where defendant previously apprehended on complaint, no new summons
 or warrant needed, since Magistrate has scheduled arraignment

Date/Time: _____

Before Judge: _____

Comments: _____

**ATTACHMENT TO PENALTY SHEET FOR ANTONIO DURAN-PEREZ AND
DANIEL DURAN-PEREZ**

21 U.S.C. § 841(a)(1), Possession With Intent To Distribute A Schedule II Controlled Substance (Methamphetamine).

Depending upon the weight and/or purity of the methamphetamine and whether an 851 Information alleging prior felony narcotics conviction is filed:

- | | | |
|-----|---------------------|--|
| (1) | Imprisonment: | Possible Maximum Life Imprisonment
Possible Mandatory Minimum 5, 10, or 20 Years Imprisonment |
| (2) | Fine: | Possible Maximum \$8,000,000 |
| (3) | Supervised Release: | Possible Maximum Lifetime
Possible Mandatory Minimum 4, 5, 8, or 10-Years |
| (4) | Special Assessment: | \$100.00 |

21 U.S.C. §§ 841(a)(1) and 846, Conspiracy To Possess With Intent To Distribute And To Distribute A Schedule II Controlled Substance (Methamphetamine).

Depending upon the weight and/or purity of the methamphetamine and whether an 851 Information alleging prior felony narcotics conviction is filed:

- | | | |
|-----|---------------------|--|
| (1) | Imprisonment: | Possible Maximum Life Imprisonment
Possible Mandatory Minimum 5, 10, or 20 Years Imprisonment |
| (2) | Fine: | Possible Maximum \$8,000,000 |
| (3) | Supervised Release: | Possible Maximum Lifetime
Possible Mandatory Minimum 4, 5, 8, or 10-Years |
| (4) | Special Assessment: | \$100.00 |